

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jamie L. Colesnik
Debtor(s)

Bankruptcy Case No.: 16-23789-GLT
Issued Per 2/27/2020 Proceeding
Chapter: 13
Docket No.: 105 – 93
Concil. Conf.: February 27, 2020 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 19, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 27, 2020 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 7 of Sharpsburg Boro EIT at 0% interest, Claim No. 8 of Fox Chapel SD EIT at 0% interest .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(1) The secured claim(s) of the following creditor(s) shall govern, and then following all allowed post-petition payment change notices filed of record: Claim No. 12-3 of US Bank.

(2) Attorney fees no look balance of \$3,400.00 to be paid through plan. LMP No-look is stricken.

(3) No further payments to secured/priority part of following claims because of surrender of collateral in plan / Trustee receipt of notice that claim has been paid as follows: All prior payments ratified and confirmed: (a) Sharpsburg Boro Claim No. 5 & 6-2 paid in full letter. (b) Capital One Auto Claim No. 2 surrender

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

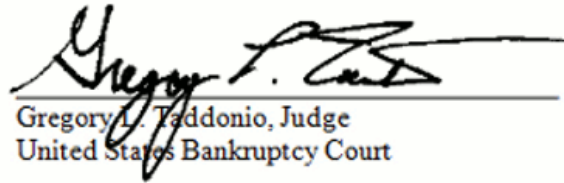
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: February 28, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 5 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Jamie L. Colesnik
DebtorCase No. 16-23789-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 40

Date Rcvd: Feb 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 01, 2020.

db +Jamie L. Colesnik, 1836 Middle St., Pittsburgh, PA 15215-2719
 cr Fay Servicing LLC, PO Box 814609, Dallas, TX 75381-4609
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14302918 +Allegheny County, c/o Jordan Tax Servicing, PO Box 200, Bethel Park, PA 15102-0200
 15174799 +American Credit Acceptance, PO Box 4419, Wilmington, OH 45177-4419
 14302919 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998-2238)
 14302920 +Brue Morrison M.D., 200 Delafield Rd., #2010, Pittsburgh, PA 15215-3234
 14320839 +County of Allegheny, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 14302926 +Dollar Smart, c/o AAS Debt Recovery, PO Box 129, Monroeville, PA 15146-0129
 14302927 +Dr. Eric Gazica, Family Dentistry, 105 Hoffman St., Glenshaw, PA 15116-2277
 14302929 +Fox Chapel Area School District, c/o Jordan Tax Service, PO Box 200,
 Bethel Park, PA 15102-0200
 14356480 +Fox Chapel School District, c/o Keystone Collections Group, 546 Wendel Road,
 Irwin, PA 15642-7539
 14302930 +Kondaur Capital Corporation, 333 South Anita Dr., Suite 400, Orange, CA 92868-3314
 14302931 +Larry Suher & Associates, 4328 Old William Flynn Hwy., Monroeville, PA 15146-1496
 14302932 +McKesson Patient Care Solutions, Inc., Airside Business Park, PO Box 1135,
 Coraopolis, PA 15108-6135
 14302933 +National City Bank/PNC Bank, c/o Weltman, Weinberg & Reis, Suite 2500, Koppers Bldg.,
 436 Seventh Ave., Pittsburgh, PA 15219-1842
 14302934 +Omega Federal Credit Union, PO Box 15038, Pittsburgh, PA 15237-0038
 14302935 +Payliance, 2 Easton Oval, Suite 310, Columbus, OH 43219-6193
 14302936 +Peoples Gas, PO Box 535323, Pittsburgh, PA 15253-5323
 14347970 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14302938 Sharpsburg Borough, c/o Keystone Collection Group, 564 Wendel Rd., Irwin, PA 15642
 14302939 +Soxman & Buzzatto LLC, 3942 William Flynn Hwy., Allison Park, PA 15101-3609
 14302940 +St. Margarets Hospital, c/o State Collection Service, 2509 S. Stoughton Rd.,
 Madison, WI 53716-3314
 14734941 +Trifera, LLC, 2003 Western Avenue, Suite 340, Seattle, WA 98121-2162
 14942634 U.S. Bank Trust National Association, as trustee f, PO Box 814609, Dallas, TX 75381-4609
 14302942 +UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Feb 29 2020 03:16:24
 Capital One Auto Finance, a division of Capital On, c/o AIS Portfolio Services, LP,
 f/k/a AIS Data Services, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
 cr +E-mail/Text: bncmail@w-legal.com Feb 29 2020 03:10:45 Trifera, LLC,
 c/o Weinstein & Riley, P.S., 2001 Western Avenue, Suite 400, Seattle, WA 98121-3132
 14302921 E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Feb 29 2020 03:16:35
 Capital One Auto Finance, PO Box 60511, City of Industry, CA 91716-0511
 14309595 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Feb 29 2020 03:16:23
 Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347,
 Arlington, TX 76006-1347
 14302922 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 29 2020 03:18:05 Captial One Bank,
 c/o Portfolio Recovery Assoc., 120 Corporate Blvd., Norfolk, VA 23502-4952
 14302923 +E-mail/Text: convergent@ebn.phinsolutions.com Feb 29 2020 03:11:14 Citizens Bank,
 c/o Convergent Outsourcing, 830 SW 39th St., PO Box 9004, Renton, WA 98057-9004
 14302925 +E-mail/Text: bankruptcy@cbtnc.com Feb 29 2020 03:11:54 Crescent Bank, 5401 Jefferson Hwy.,
 Suite D, New Orleans, LA 70123-4232
 14306228 +E-mail/Text: bankruptcy@cbtnc.com Feb 29 2020 03:11:54 Crescent Bank & Trust,
 P O Box 61813, New Orleans, LA 70161-1813
 14302928 +E-mail/Text: kburkley@bernsteinlaw.com Feb 29 2020 03:11:31 Duquesne Light Co.,
 411 Seventh Ave., Pittsburgh, PA 15219-1942
 14367726 +E-mail/Text: kburkley@bernsteinlaw.com Feb 29 2020 03:11:31 Duquesne Light Company,
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14359054 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 29 2020 03:16:25
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14302937 +E-mail/Text: bkprpt@retrievalmasters.com Feb 29 2020 03:10:20 Quest Diagnostcs,
 c/o American Medical Collection Agency, 4 West Chester Plaza, Bldg. # 4,
 Elmsford, NY 10523-1615
 14307839 +E-mail/Text: bkprpt@retrievalmasters.com Feb 29 2020 03:10:20 Quest Diagnostics,
 c/o American Medical Collection Agency, 4 Westchester Plaza, Suite 110,
 Elmsford, NY 10523-1615
 14302941 +E-mail/Text: rcpsbankruptcyntices@parallon.com Feb 29 2020 03:11:46 UPMC,
 c/o Medicredit Inc., PO Box 1629, Maryland Heights, MO 63043-0629

TOTAL: 14

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 40

Date Rcvd: Feb 28, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Allegheny County
cr Duquesne Light Company
cr Land Home Financial Services, Inc. as servicer for
cr* U.S. Bank Trust National Association, as trustee f, PO Box 814609, Dallas, TX 75381-4609
TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 01, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Land Home Financial Services, Inc. as servicer for
Trifera, LLC bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor Trifera, LLC pawb@fedpne.com
Jeffrey R. Hunt on behalf of Creditor Allegheny County jhunt@grblaw.com, cnoroski@grblaw.com
Kenneth Steidl on behalf of Debtor Jamie L. Colesnik julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; todd@st
eidl-steinberg.com; cgoga@steidl-steinberg.com; rlager@steidl-steinberg.com; leslie.nebel@steidl-ste
inberg.com
Lisa Cancanon on behalf of Creditor Trifera, LLC lisac@w-legal.com
Lisa Cancanon on behalf of Creditor Land Home Financial Services, Inc. as servicer for
Trifera, LLC lisac@w-legal.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 10